

Ideological and Constitutional Foundation of Gender Equality in Pakistan: An Appraisal

DOI: 10.5281/zenodo.7483527

Dr. Amir Ullah Khan *

Dr. Syed Naeem Badshah **

Dr. Shabana Noreen_***



Abstract:

The concept of Gender Equality is not innovative. It has taken place with the birth of Adam and Eve when their rights and duties were defined. In various societies, various scholars and philosophers interpreted it according to their understanding and socio-cultural, moral-religious, and political milieu. The founders of Pakistan – Allama Muhammad Iqbal and Muhammad Ali Jinnah – also remained strong advocate of Gender Equality. Keeping in view the broader perspective guidelines of the founders of Pakistan, the framers of constitutions in Pakistan incorporated various provisions to safeguard the legitimate rights of man and woman and other neglected or weaker communities in a society; and also to discourage discrimination in all its manifestations. In this study, the concept of gender equality fundamentally means policies based on sexual indiscriminability especially. This study is mainly qualitative in nature.

. **Keywords:** Gender, Equality, innovative, Adam and Eve, Allama Muhammad Iqbal

Introduction

A constitution is composed of broad principles through which various governmental institutions – legislature, executive, and judiciary etc. – of the state and to define their powers and functions so as to avoid any confrontation among these institutions and to enable the government to run the business of the state smoothly for the welfare of the people.

Ideological Foundation of Gender Equality

The birth of Pakistan owes to number of great personalities and people of the Indo-Pak Subcontinent. It will be a herculean task to mention their approach towards gender equality. Keeping in view such restriction, in this piece of work the views of Allama Iqbal and Quaid-e-Azam M. Ali Jinnah on gender equality will be taken into consideration.

.....
*Associate Professor & Chairman, Department of Political Science, Islamia College, Peshawar, Khyber Pakhtunkhwa. amir@icp.edu.pk

**Chairman, Department of Islamic Studies, The University of Agriculture Peshawar

***Assistant Professor, Department of Political Science, Islamia College, Peshawar

Allama M. Iqbal's Approach towards Significance of Women¹

Allama Muhammad Iqbal had reserved space for woman on his poetry and tried to highlight various aspects of women in the society. In his famous work, *Zarb-e-Kaleem*, some verses are listed below. He says "The beauty and colour of this universe owes to the existence of woman. She is the key instrument in the orchestra of life". To him:

وجود زن سے ہے تصویر کائنات میں رنگ
اسی کے ساز سے ہے زندگی کا سوز دروں

This shows that Iqbal attached to much importance to woman and considered the main source of beauty of this world and source of consolation for man. He again says:² that the status of woman is superior to *Suriya*³ in virtue and decency. She is the torch bearer of this noble nature across the world.

شرف میں بڑھ کے ثریا سے مشت خاک اس کی
کہ ہر شرف ہے اسی دُرج کا دُرِ مکنوں

No doubt, a woman could not be an author of any book on philosophy like *Dialogues* of Plato. Despite that she provided philosophers to world. Plato is the glaring example in this regard.⁴

مکالماتِ افلاطون نہ لکھ سکی، لیکن
اسی کے شعلے سے نُوناشرارِ افلاطون

Allama M. Iqbal's Approach towards Limitations of Women⁵

Regarding Woman, Iqbal expressed his views as "A man has the ability to demonstrate his qualities without assistance of his fellow being. Contrary to this, a woman lacks such ability because she needs the help of a man". In *Zarb-e-Kaleem*, he says:

جو ہر مرد عیاں ہوتا ہے بے منتِ غیر
غیر کے ہاتھ میں ہے جو ہر عورت کی نمود

He further added "The secret of woman's sadness lies in her earnest desire for the procreation which is also the reflection of her existence like heat of fire". In *Zarb-e-Kaleem*, he says:⁶

راز ہے اس کے تپِ غم کا یہی نکتہ شوق
آتشیں، لذتِ تخلیق سے ہے اس کا وجود

He further added “The secrets of life lies in her earnest desire for the procreation and this leads to creation of world where the concept of life and death takes place”. In *Zarb-e-Kaleem*, he says:⁷

کھلتے جاتے ہیں اسی آگ سے اسرارِ حیات
گرم اسی آگ سے ہے معرکہ بود و نبود

He further added that he was worried about woman’s modern European concept about giving birth to children. Today a woman is reluctant to give birth to children and considered that it would affect her beauty. However, this is not possible because she has natural tendency to give birth to children and it is a difficulty knot to open with rationality”. In *Zarb-e-Kaleem*, he says:⁸

میں بھی مظلومی نسواں سے ہوں غم ناک بہت
نہیں ممکن مگر اس عقدہ مشکل کی کُشود!

Allama M. Iqbal’s Approach towards Women’s education⁹

Allama Iqbal was not against woman education. However, he is against western culture; and he considered it as a death for women because the present age woman has been impressed by the cultural values of west which encourage woman to avoid giving birth to kids. So the woman today is reluctant to give birth and rare kids. In this connection, Allama Iqbal said:

تہذیبِ فرنگی ہے اگر مرگِ اُمومت
ہے حضرتِ انساں کے لیے اس کا ثمر موت

Iqbal considered that education as a death which took far away a woman from womanhood. Such tendency among women obstructs the sense of motherhood in them.

جس علم کی تاثیر سے زن ہوتی ہے نازن
کہتے ہیں اسی علم کو اربابِ نظر موت

Similarly, he was of the view that if a woman keeps away from Islam then education and skill for love and affection will be become death.

بیگانہ رہے دیں سے اگر مدرسہ زن
ہے عشق و محبت کے لیے علم و ہنر موت

The poetic verses of Allama Muhammad Iqbal regarding woman education clearly reflects that he was not against woman education. He considered it mandatory for a modern and civilised society; however, such education must be based upon Islamic teaching instead of western cultural norms which snatches the emotions of motherhood and physiognomies of womanhood from a woman. Islam has granted an exalted status to mother in a society; and such status is lacking in western societies.

Allama M. Iqbal's Approach towards Nature of Women¹⁰

Allam Muhammad Iqbal said that the problem of women is very intricate and always remained the same despite the consistent efforts of scholars time and again. In *Zar-e-Kaleem*, he stated:

ہزار بار حکیموں نے اس کو سلجھایا
مگر یہ مسئلہ زن رہا وہیں کا وہیں

He further said that in such circumstances the women could not be blamed for such problem. By nature, woman is noble and dignified; and the Heaven and earth are the witnesses of her such status. In *Zar-e-Kaleem*, he stated:

قصور زن کا نہیں ہے کچھ اس خرابی میں
گواہ اس کی شرافت پہ ہیں مہ و پرویں

Allama Iqbal further said that actually the problem is undignified status had meted out to woman in western societies; and man is very simple to get familiarity with the nature of woman. In *Zar-e-Kaleem*, he stated:

فساد کا ہے فرنگی معاشرت میں ظہور
کہ مرد سادہ ہے بیچارہ زن شناس نہیں

Allama M. Iqbal's on Freedom of Women of Women¹¹

Allama Iqbal also wrote on the concept of freedom of woman and his limitations to express his views. He said that discussing the freedom of woman was indecisive matter for him as he knew well that this is a venom and sugar. He says:

اس بحث کا کچھ فیصلہ میں کر نہیں سکتا
گو خوب سمجھتا ہوں کہ یہ زہر ہے، وہ قند

What will be the benefit to discuss this issue? This discussion will make him more scandalous. The torch bearers of civilization are already annoyed of him.

He says:

کیا فائدہ، کچھ کہہ کے بنوں اور بھی معتب
پہلے ہی خفا مجھ سے ہیں تہذیب کے فرزند

Only the insight of a woman can disclose this secret. Otherwise, a constrained, helpless and wise man is unable to explore it. He says:

اس راز کو عورت کی بصیرت ہی کرے فاش
مجبور ہیں، معذور ہیں، مردانِ خرد مند

He further adds and questions that whether the freedom of woman or Emerald Necklace is valuable?

کیا چیز ہے آرائش و قیمت میں زیادہ
آزادی نسواں کہ زمرہ کا گلوبند!

The poetic sense of Allama Iqbal towards freedom of woman is clear manifestation that he was against western concept of freedom of women because he was of the view that in European societies, woman is used as a tool and carries no exalted position. No doubt, western concept of freedom seems more appealing and attractive to women but it carries no value.

Quaid-e-Azam M. Ali Jinnah's Approach towards Gender Equality

Dr. Amir Ullah Khan states: "The foundation of Pakistan has been laid down on Islamic ideology. The founder of Pakistan, Quaid-i-Azam Muhammad Ali Jinnah, emphasized on women participation in every field of life. He was staunch supporter of women participation in national politics."¹² Quaid-e-Azam

Muhammad Ali Jinnah said: “No Nation can rise to the heights of glory until your women are side by side with you.”¹³

While addressing the Muslim League meeting at Muslim University of Aligarh 10th March, 1944, Quaid-e-Azam said:

“No nation can rise to the height of glory, unless women are side by side with you. We are victims of evil customs. It is a crime against humanity to shut up women within the four walls of houses as prisoners. I do not mean that we should imitate the evils of Western life. Let us try to raise the status of women according to Islamic ideals and standards.”¹⁴

On 28th March, 1948, Quaid-e-Azam in Broadcast from Dhaka said:

“In the great task of building the nation and maintaining its solidarity, women have a most valuable part to play. They are the prime architects of the character of the youth who constitute the backbone of the state. I know that in the long struggle for the achievement of Pakistan, Muslim women have stood solidly behind their men. In the bigger struggle for the building up of Pakistan that now lies ahead let it not be said that the women of Pakistan had lagged behind or failed in their duty.”¹⁵

On 25th January, 1948, while addressing the Karachi Bar Association on eve of the Holy Prophet’s birthday, Quaid-e-Azam said:

“He could not understand a section of the people who deliberately wanted to create mischief and made propaganda that the Constitution of Pakistan would not be made on the basis of *Shariat*. Islamic Principles today are as applicable to life as they were 1300 years ago. He would like to tell those who are misled – “some are misled by propaganda” – that not only the Muslims but also the non-Muslims have nothing to fear. Islam and its idealism have taught democracy. Islam has taught equality, justice and fair play to everybody. What reason is there for anyone to fear democracy, equality, freedom on the highest standard of integrity and on the basis of fair play and justice for everybody? Let us make it (the future constitution of Pakistan). We shall make it and will show it to the world.”¹⁶

Constitutional Foundation of Gender Equality in Pakistan

The engineers of the political system in the post-independence era tried to ensure gender equality in national constitution and through legal instruments in the light of ideological orientation of the new born country. Article 5 of the constitution of Pakistan, 1956 ensures equality before law that all the citizens are equal in the eyes of law and they will be treated under the same law. Similarly, its Article 14 ordains that there would be discrimination in respect of access to public places on ground of race, religion, sex, caste, or place of birth. Likewise, under Article 15 it also guarantees to all citizens of Pakistan to possess private property. Moreover, under Article 17 it ordains that there would be discrimination in appointment in the services of Pakistan on the basis

of sex. In the first constitution of Pakistan, 1956 the framers safeguarded the participation of women in national legislature through reservation of five seats in the then each wing of Pakistan – West and East Pakistan under Article 44; and ten seats were reserved at provincial level under Article 77.¹⁷

In addition, Article 15 of the constitution of Pakistan, 1962 ensures equality before law that all the citizens are equal in the eyes of law and they will be treated under the same law. Similarly, its Article 16 ordains that there would be discrimination in respect of access to public places on ground of race, religion, sex, caste, or place of birth. Likewise, Article 13 and 14 guaranteed to all citizens of Pakistan the right to possess private property. Moreover, under Article 17 it ordains that there would be discrimination in appointment in the services of Pakistan on the basis of sex. Like the Constitution of Pakistan, 1956, under Article 20 (2) of the 1962 Constitution of Pakistan three seats were allocated for women for each wing – West and East Pakistan; and Eight seats were reserved at provincial level under Article 71 (2).¹⁸

In addition, Article 25 of the constitution of Pakistan, 1973 ensures equality before law that all the citizens are equal in the eyes of law. Similarly, its Article 26 ordains that there would be discrimination in respect of access to public places on ground of race, religion, sex, caste, or place of birth. Likewise, Article 23 and 24 guaranteed to all citizens of Pakistan the right to possess private property. Moreover, under Article 27 it ordains that there would be discrimination in appointment in the services of Pakistan on the basis of sex. Article 51 (3) of the 1973 Constitution of Pakistan allocates 60 seats for women in the National Assembly of Pakistan and 04 seats in Senate under Article 59 (d); and seats are also reserved for women in each provincial assembly under Article 106 (1).¹⁹

Conclusion

The threadbare study of the above discussion shows that the founders of Pakistan were the staunch supporters of gender equality in the light of Islamic ideological orientation contrary to western concept of gender equality, because the socio-cultural values and religious teachings of Islam are different from the West. Islam gives an exalted status to woman in an Islamic society and guarantees all kinds of rights to her. Keeping in view the ideological orientations and precious guidelines of the founders of Pakistan, the policy makers, legal and constitutional experts also designed and framed constitution to safeguard legitimate rights of women in Pakistan.

¹ Allama Muhammad Iqbal, *Zarb-e-Kaleem* (Urdu Version), Lahore: Lahore Book Shop, 92

² Ibid.

³ It means Pleiades (the cluster of seven stars).

⁴ For Urdu version, help is taken from Allama Iqbal Poetry. Accessible on <http://iqbalurdu.blogspot.com/search?q=aurat>

⁵ Allama Muhammad Iqbal, *Zarb-e-Kaleem*, Lahore: Lahore Book Shop, 96. For Urdu translation and explanation see <https://iqbalrahber.com/zarb-e-kaleem-auratb.php>

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Allama Muhammad Iqbal, *Zarb-e-Kaleem*, Lahore: Lahore Book Shop, 95

¹⁰ See Allama Muhammad Iqbal, *Zarb-e-Kaleem* (Urdu Version), Lahore: Lahore Book Shop, 90

¹¹ See Allama Muhammad Iqbal, *Zarb-e-Kaleem* (Urdu Version), Lahore: Lahore Book Shop, 93

¹² Amir Ullah Khan, "Ladies Union Councillors and Decision Making: A Nightmare." *Journal of Law and Society*, 41 (57 & 58), January & July, 2011, 1; See also Dr. Amir Ullah Khan & Mr. Naeem Ul Haq, "The Dilemma of Women Empowerment under Local Self-Government System in District Lakki Marwat: From In-built Socio-Political Resistance Theory", *Peshawar Islamicus*, 13 (1), Jan-June, 2022, 4

¹³ Mr. Ahmed Hussain Shah Bukhari, Mr. Ghulam Mustafa Gaho & Mr. Khalid Hussain Soomro, "Gender Inequality: Problems & Its Solutions In Pakistan", *The Government: Research Journal of Political Science*, 7 (7), 2018, 47

¹⁴ *Quotes from the Quaid*. Islamabad: Directorate General of Films & Publications, Ministry of Information and Broadcasting, Government of Pakistan, 1992, 67.

¹⁵ Ibid.

¹⁶ *Quaid-e-Azam Muhammad Ali Jinnah: Speeches and Statemenst as Governor General of Pakistan 1947-48*. Islamabad: Directorate General of Films & Publications, Ministry of Information and Broadcasting, Government of Pakistan, 1992, 125

¹⁷ *The Constitution of Pakistan, 1956*. See also Dr. Amir Ullah Khan & Dr. Syed Naeem Badshah, "Women Disenfranchisement and Electoral Governance during KP Local Bodies Elections, 2015: From Political Security Perspective", *Peshawar Islamicus*, 12 (2), July-Dec, 2021, 99. See also Amir Ullah Khan, "Ladies Union Councilors and Decision Making: A Nightmare." *Journal of Law and Society*, Vol. 41, No. 57 & 58, January & July, 2011, 2; G. W. Choudhury, *Constitutional Development in Pakistan*, (Lahore, Law Inn Publishers, 2005-06), 152; & Dr. Safdar Mahmood, *Constitutional Foundations of Pakistan*, (Lahore: Jang Publishers, 1990), 257.

¹⁸ *The Constitution of Pakistan, 1962*. See also Dr. Amir Ullah Khan & Dr. Syed Naeem Badshah, "Women Disenfranchisement and Electoral Governance during KP Local Bodies Elections, 2015: From Political Security Perspective", *Peshawar Islamicus*, 12 (2), July-Dec, 2021, 99. See also Amir Ullah Khan, "Ladies Union Councilors and Decision Making: A Nightmare." *Journal of Law and Society*, Vol. 41, No. 57 & 58, January & July, 2011, 2; G. W. Choudhury, *Constitutional Development in Pakistan*, (Lahore, Law Inn Publishers, 2005-06), 152; & Dr. Safdar Mahmood, *Constitutional Foundations of Pakistan*, (Lahore: Jang Publishers, 1990), 257.

¹⁹ See *The Constitution of the Islamic Republic of Pakistan 1973 As amended by the Constitution (Eighteenth Amdt.), Act, 2010 (Act No. X of 2010)*.